

## Chapter 30.62B

### GEOLOGICALLY HAZARDOUS AREAS

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**PART 000 General.**

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**30.62B.010** Purpose and applicability.

- (1) The purpose of this chapter is to provide regulations for the protection of public safety, health and welfare pursuant to the Growth Management Act (chapter [36.70A](#) RCW), in geologically hazardous areas, including: erosion hazard, landslide hazard, seismic hazard, mine hazard, volcanic hazard, and tsunami hazard areas.
- (2) This chapter applies to:

(a) Development activities, actions requiring project permits, and clearing except for the following:

- (i) Non-ground disturbing interior or exterior building improvements;
- (ii) Routine landscape maintenance of established, ornamental landscaping;
- (iii) Non-ground disturbing normal maintenance or repair;
- (iv) Removal of noxious weeds conducted in accordance with chapter [16-750](#) WAC;
- (v) Maintenance or replacement that does not expand the affected area of the following existing facilities:
  - (A) septic tanks and drainfields;
  - (B) wells;
  - (C) individual utility service connections; and
  - (D) individual cemetery plots in established and approved cemeteries;
- (vi) Data collection and research by nonmechanical means if performed in accordance with state-approved sampling protocols or Endangered Species Act (ESA) Section 10(a)(1)(a), Section 7 consultation ([16](#) USC § [1536](#));
- (vii) Nonmechanical survey and monument placement;
- (viii) Soils testing or topographic surveying of slopes for purposes of scientific investigation, site feasibility analysis, and data acquisition for geotechnical report preparation provided it can be accomplished without road construction; and
- (ix) Quasi-judicial rezones not accompanied by another permit or approval.

(b) Agricultural activities, which are subject only to Part [500](#) of this chapter. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 13-042, July 10, 2013, Eff date July 22, 2013; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

### **30.62B.015 Intent.**

It is the intent of this chapter to provide the protection required by chapter [36.70A](#) RCW for ~~((wetlands and for fish & wildlife habitat conservation areas))~~ geologically hazardous areas while simultaneously protecting property rights. The county council nevertheless recognizes that implementation of some provisions of this chapter [30.62B](#) SCC will inevitably entail some restriction of property rights. It is the intent of the county council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter [36.70A](#) RCW. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

### **30.62B.020 Relationship to Snohomish County Shoreline Management Program.**

Regulation of geologically hazardous areas located within shorelines of the state, as defined in chapter [90.58](#) RCW, shall be accomplished through compliance with the provisions of chapter [30.67](#) SCC. Nothing in this section shall be construed to be inconsistent with RCW [36.70A.480](#). (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

### **30.62B.030 Relationship to chapter 30.61 SCC - environmental impacts.**

Critical area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts on geologically hazardous areas pursuant to chapter [30.61](#) SCC, to the extent permitted by RCW [43.21C.240](#). (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

### **30.62B.040 Rulemaking authority.**

The director shall have the authority to adopt administrative rules to implement the provisions of this chapter. Rulemaking authority shall include, but is not limited to, the adoption of best management practices for the regulation of geologically hazardous areas.

## **PART 100 Process Requirements.**

### **30.62B.110 Permit pre-applications.**

Project proponents may request a pre-application meeting pursuant to SCC [30.70.020](#) to obtain a preliminary analysis of how the requirements of this chapter apply to the proposed project.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

### **30.62B.120 Critical area services provided by the department.**

The department may provide the following service upon submittal of an application and the payment of fees as required by chapter [30.86](#) SCC: identification of erosion and landslide hazard areas for single-family residential (SFR) dwellings, duplexes, and accessory structures, and commercial structures of 8,000 square feet or less. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

### **30.62B.130 Submittal requirements.**

For any development activity or action requiring a project permit, the applicant shall submit a site development plan drawn to a standard engineering scale which includes:

- (1) Boundary lines and dimensions of the subject property;
  - (2) Boundary lines and dimensions of the site;
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- (3) Topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;
- (4) Location, size, and type of any existing structures, cleared areas or other improvements;
- (5) Location, size and type of all proposed development activities, activities subject to project permits and clearing;
- (6) Location of all geologically hazardous areas on and within 200 feet of the site, to the extent possible;
- (7) Location of all other critical areas regulated pursuant to chapters [30.62A](#), [30.62C](#) and [30.65](#) SCC on and within 300 feet of the site; and
- (8) Location of structure setbacks as required in chapter [30.62A](#) SCC and chapter [30.23](#) SCC.  
(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

### **30.62B.140 Geotechnical report requirements.**

- (1) A geotechnical report will be required for any development activity, action requiring a project permit or clearing proposed within:
    - (a) An erosion hazard area;
    - (b) A landslide hazard area;
    - (c) Two hundred feet of a mine hazard area; or
    - (d) Two hundred feet of any faults.
  - (2) The geotechnical report shall be prepared, stamped, and signed by a licensed engineer or geologist and contain the following information relevant to the geologically hazardous area:
    - (a) The topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;
    - (b) Significant geologic contacts, landslides, or downslope soil movement on and within 200 feet of the site;
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- (c) A channel migration zone study when required pursuant to SCC [30.62B.330\(2\)](#);
  - (d) Impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and utilities on the site;
  - (e) The location or evidence of any springs, seeps, or other surface expressions of groundwater;
  - (f) The location or evidence of any surface waters;
  - (g) Identification of all existing fill areas;
  - (h) The location and extent of all proposed development activity;
  - (i) A discussion of the geological condition of the site including:
    - (i) a description of the soils in accordance with the Natural Resource Conservation Service indicating the potential for erosion;
    - (ii) engineering properties of the soils, sediments, and rocks on the subject property and adjacent properties and their effect on the stability of the slope;
    - (iii) a description of the slope in percent gradient;
    - (iv) the location or evidence of seismic faults and soil conditions indicating the potential for liquefaction; and
    - (v) a hazard analysis and finding of risks associated with geologic hazards and the potential impacts to public safety, the hazard area and the subject property;
  - (j) The proposed method of drainage and locations of all existing and proposed surface and subsurface drainage facilities and patterns, and the locations and methods for erosion control;
  - (k) The extent and type of existing vegetative cover;
  - (l) A vegetation management and restoration plan prepared by persons experienced in vegetation management and restoration plans such as botanists, landscape architects and certified arborist, or other means for maintaining long-term stability of slopes;
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(m) Analysis of erosion rates, slope recession rates and potential impacts to existing or proposed development from wave cutting, stream meandering, or other erosional forces to determine the recommended solution for bank or shoreline stabilization or flood protection in conformance with SCC [30.62B.320\(2\)](#);

(n) Analysis of soil borings when the geology of an area is uncertain; and

(o) Any other information determined by the department to be necessary to determine compliance with this chapter including but not limited to the use of LIDAR, technical reports, studies or documents related to geologic hazards and models for estimating how far landslide materials will travel.

(3) The geotechnical report shall include a summary or abstract of the report for the property where the development activity is proposed. The abstract shall at a minimum include the type of hazard, extent of the hazard, hazard analysis and geologic conditions. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

### **30.62B.150 Independent consultant review.**

If the department lacks the necessary expertise, the department may require independent consultant review of the application by a qualified professional to assess compliance with this chapter. If independent consultant review is required, the applicant shall make a deposit with the department to cover the cost of the review pursuant to the requirements of chapter [30.86](#) SCC. Unexpended funds will be returned to the applicant following final decision on the application. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

### **30.62B.160 Permanent identification, development restrictions, and recording.**

The following measures for permanent identification, development restrictions and disclosure of geologically hazardous areas are required for any development activity or action requiring a project permit, except those occurring in public and private road or utility easements and

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rights-of-way, or those conducted for the primary purpose of habitat enhancement or restoration.

(1) Critical area site plan.

(a) All erosion, landslide, and mine hazard areas, seismic faults and structure setback areas shall be designated on a critical area site plan.

(b) A critical area site plan is any site plan approved by the department that includes but is not limited to subdivisions, records of survey, official site plans, administrative site plans, binding site plans, or other form drawn to a standard engineering scale that includes at minimum the following:

- (i) the boundaries of the site;
- (ii) the boundaries of the property;
- (iii) a legal description of the subject property;
- (iv) accurate locations of the geologically hazardous area(s), identified by hazard type; and
- (v) visual and written documentation of any permanent restrictions on development activities in the geologically hazardous area occurring as a result of compliance with this chapter, including, but not limited to: structural setbacks and vegetation retention requirements or other restrictions as may be required pursuant to this chapter.

(2) *Recording.* Critical area site plans or disclosure notices as required pursuant to subsection (1) or (3) of this section shall be recorded with the county auditor. Documentation of recording shall be provided to the department prior to permit issuance.

(3) *Disclosure requirements for buildings in volcanic and tsunami hazard areas.* A disclosure notice acknowledging that the development is occurring on or within 200 feet of a volcanic or tsunami hazard area. The notice shall include the following disclosure text, as appropriate:

- (a) For volcanic hazard areas, "This property is on or within 200 feet of the Glacier Peak Volcanic Hazard Area, which is subject to periodic and potentially life-threatening destructive mud, water, and debris flows."; or

(b) For tsunami hazard areas, "This property is on or within 200 feet of a tsunami hazard area, which could be subject to potentially life-threatening destructive waves."

(4) Notice, disclosure, and covenant requirements for development activities or actions requiring a project permit in a landslide hazard area, except for approvals for fences, retaining walls, deflection walls or landslide mitigation, shall include the following:

(a) A covenant between the owner(s) of property and the county is required prior to approving any application for any development activity or action requiring a project permit proposed on property within a landslide hazard area unless the proposed development activity is described in a covenant that is already recorded on the property pursuant to this subsection.

(b) A covenant shall not be required where the permit or approval is for work done by the county.

(c) The covenant shall be recorded with the county auditor, and a copy of the recorded covenant provided to the department, before a permit may be issued.

(d) The covenant shall describe the specific types of risks identified in the geotechnical report prepared pursuant to SCC [30.62B.140](#), shall be signed by the owner(s) of the property, shall be notarized, shall run with the land, and shall include, but not be limited to, the following:

(i) A description of the property condition making this subsection (4) applicable;

(ii) A statement that the owner(s) of the property understands and accepts the responsibility for the risks associated with development on the property given the described condition, and agrees to inform future purchasers and other successors and assignees of the risks;

(iii) The application date, type and number of the permit or approval for which the covenant is required and a description of any future development activities that the owner(s) chooses to include in the covenant;

(iv) A waiver and release of any right to assert claims against the county arising out of the issuance of any permit or approval by the county for development or alteration of

the property, except for such losses that directly result from the sole negligence of the county; and

(v) An abstract of the geotechnical report prepared pursuant to SCC [30.62B.140\(3\)](#).

(5) Previously approved critical area site plans.

(a) Any development activity, action requiring a project permit or clearing occurring consistent with a previously approved critical area site plan shall be governed according to the terms and conditions of the approved site plan, provided that all erosion, landslide, mine and seismic hazard areas have been adequately identified and appropriate measures for the protection of public safety have been established.

(b) To ensure that all landslide hazard areas have been adequately identified and appropriate measures for the protection of public safety have been established, the department may require compliance with the requirements for a geotechnical report pursuant to SCC [30.62B.140](#) for approval of any development activity, action requiring a project permit or clearing, notwithstanding approval of any previous application or site plan. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

### **30.62B.170 Security devices and insurance requirements.**

(1) The director shall require a security device pursuant to chapter [30.84](#) SCC or insurance pursuant to SCC [30.63A.940](#) when the depth of any proposed excavation will exceed four (4) feet and the bottom elevation of the proposed excavation will be below a one hundred (100) percent slope line originating from the elevation of any adjacent property lines.

(2) The director may require a security device pursuant to chapter [30.84](#) SCC or insurance pursuant to SCC [30.63A.940](#) adequate to cover potential claims for property damage which may arise from or be related to development activities within a landslide hazard area or in other circumstances where there is potential for significant harm to a wetland, fish and wildlife habitat conservation area or buffer or a public right of way during the construction process. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010).

## **PART 200 Designation.**

### **30.62B.210 Designation of geologically hazardous areas.**

The county has designated geologically hazardous areas pursuant to RCW [36.70A.170](#) by defining them and providing criteria for their identification. Project proponents are responsible for determining whether a geologically hazardous area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of geologically hazardous areas identified by project proponents. Specific criteria for the designation of geologically hazardous areas are contained in this chapter and chapter 30.91 SCC. While the county maintains some maps of geologically hazardous areas, they are for informational purposes only and may not accurately represent all such areas. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

## **PART 300 Standards and Requirements.**

### **30.62B.310 Purpose of Part 300.**

Part [300](#) of this chapter establishes specific standards and requirements for the treatment of erosion, landslide, seismic, mine, volcanic and tsunami hazard areas.

### **30.62B.320 General standards and requirements for erosion and landslide hazard areas.**

(1) Any development activity, action requiring a project permit or clearing occurring in an erosion or landslide hazard area:

- (a) Shall be designed to:

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- (i) Comply with the requirements in an approved geotechnical report when required pursuant to SCC [30.62B.140](#);
  - (ii) Utilize best management practices (BMPs) adopted by the department pursuant to chapter [30.63A](#) SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter;
  - (iii) Prevent collection, concentration or discharge of stormwater or groundwater within an erosion or landslide hazard area, except as otherwise provided in this chapter;
  - (iv) Minimize impervious surfaces and retain vegetation to minimize risk of erosion or landslide hazards; and
- (b) Shall not:
- (i) result in increased risk of property damage, death or injury;
  - (ii) cause or increase erosion or landslide hazard risk;
  - (iii) increase surface water discharge, sedimentation, slope instability, erosion or landslide potential to adjacent or downstream and down-drift properties beyond pre-development conditions; or
  - (iv) adversely impact wetlands, fish and wildlife habitat conservation areas or their buffers.
- (2) For shoreline and bank stabilization and flood protection measures proposed in erosion or landslide hazard areas, the project proponent shall make all reasonable efforts to avoid and minimize impacts to wetlands and fish and wildlife habitat conservation areas and their buffers pursuant to the requirements of chapters [30.62A](#) and [30.67](#) SCC, in the following sequential order of preference:
- (a) Utilize setbacks sufficient to ensure that shoreline stabilization or flood hazard reduction measures will not be necessary to protect development for its projected design life, or;
  - (b) When sufficient setbacks are not possible, utilize other non-structural measures unless the applicant demonstrates through a geotechnical report required pursuant to SCC
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[30.62B.120](#) that new or enlarged structural stabilization or flood protection is necessary to protect:

- (i) existing primary structures, water dependent structures and facilities, utilities, roads and bridges;
- (ii) new utilities or public bridges and transportation structures allowed pursuant to SCC [30.62B.330\(3\)](#);
- (iii) agricultural land; or
- (iv) projects where the sole purpose is to protect or restore wetlands, fish and wildlife habitat conservation areas or their buffers.

(3) Development or redevelopment in public parks or portions of public parks in channel migration zones after March 26, 2019, shall not include shoreline and bank stabilization and flood protection measures. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015; Amended by Ord. 19-022, June 26, 2019, Eff date July 8, 2019).

### **30.62B.330 Erosion hazard areas - Channel migration zones.**

(1) This section establishes specific standards and requirements for development activities, actions requiring a project permit or clearing in channel migration zones (~~((adjacent to the following rivers :))~~).

(a) Channel migration zones pose a potential risk adjacent to the river segments listed within Table 1.

**Table 1 Potential Channel Migration Zone Locations**

<b>River Name</b>	<b>River Sections (mi)</b>
North Fork Skykomish River	0.00 - 8.64
North Fork Stillaguamish River	0.00 - 35.18
Pilchuck Creek	0.00 - 6.96

**Table 1 Potential Channel Migration Zone Locations**

River Name	River Sections (mi)
Pilchuck River	0.00 - 36.17
Sauk River	All
Skykomish River	0.00- 29.15
Snohomish River & Sloughs	All
Snoqualmie River	0.00 - 5.41
South Fork Skykomish River	0.00 - 6.71
South Fork Stillaguamish River	0.00 - 43.07
Stillaguamish River & Sloughs	All
Sultan River	0.00 - 7.64
Wallace River	0.00 - 7.71

(b) The location and extent of channel migration zones adjacent to the rivers identified in Table 1 shall be determined by a channel migration zone study required per SCC 30.62B.330(2), or other best available science.

(c) Where best available science identifies channel migration zones along rivers or river segments not listed in Table 1, the protection standards in SCC 30.62B.330(3) shall apply.

(2) The department may require a channel migration zone study when a development activity or action requiring a project permit is proposed to occur in areas where evidence indicates channel migration is likely, in accordance with the following requirements:

(a) The study shall be conducted in accordance with Section 2 of the Forest Practices Board Manual ((Title ~~222~~ WAC)), Standard Methods for Identifying Bankfull Channel Features and Channel Migration Zones, Department of Natural Resources, November, 2004, or A Methodology for Delineating Planning-Level Channel Migration Zones, Washington State Department of Ecology, July 2014 (Publication No. 14-06-025), except that

areas behind natural or manmade features which limit channel migration that allow fish passage shall not be included in the channel migration zone;

(b) The study shall be performed under the direction of a qualified professional with experience in fluvial geomorphology or river hydraulics;

(c) The study shall contain the following:

- (i) a determination of the presence of channel migration, and if present, the delineation of the channel migration zone;
- (ii) an analysis of the impacts of potential channel migration on the proposed development activity; and
- (iii) an analysis of the impacts of the proposed development activity on the channel migration zone.

(3) Channel Migration Zone (CMZ) standards and requirements.

All development activities, actions requiring a project permit and clearing are prohibited in the channel migration zone, except as provided below:

- (a) removal of hazardous trees;
  - (b) new utility facilities based on the following requirements;
    - (i) pipelines shall be bored 10 feet beneath the thalweg scour depth of the river within the CMZ;
    - (ii) surface utilities such as power transmission lines shall be located away from the current channel if feasible; and if not feasible, foundations within the CMZ shall be designed as in-channel structures if determined by the department to be necessary;
  - (c) new public bridges and transportation structures when no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs;
  - (d) boat ramps;
  - (e) normal maintenance or repair of existing flood control and bank stabilization structures, buildings, roads, bridges and utilities;
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- (f) shoreline and bank stabilization and flood protection measures pursuant to the general requirements contained SCC [30.62B.320\(2\)](#);
- (g) habitat restoration and enhancement projects;
- (h) mitigation banks; and
- (i) public parks intended to create or preserve open space, provide public access to shorelines of statewide significance, or provide passive recreation opportunities. For the purposes of this subsection, passive recreation may include, but is not limited to, memorials, interpretive facilities, seasonal primitive camping, and soft surface trails, as well as support infrastructure for those amenities, such as parking. All development subject to this subsection shall meet the following specific performance standards and be designed, to the greatest extent possible, to not inhibit channel migration:
  - (i) total impervious surface area shall not exceed the lesser of 10 percent of the site area or two acres;
  - (ii) the maximum footprint of any individual building shall not exceed 600 square feet, and the aggregate square footage of buildings on the site shall not exceed 2,400 square feet; and
  - (iii) improvements shall be removed or relocated if at any time the ordinary high water mark of the river channel is within two years of the average migration rate distance of such improvements. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015; Amended by Ord. 19-022, June 26, 2019, Eff date July 8, 2019).

### **30.62B.340 Landslide hazard areas.**

- (1) Development activities, actions requiring project permits and clearing shall not be allowed in landslide hazard areas as defined in SCC [30.91L.040](#) unless a deviation is granted by the director when the applicant demonstrates the following criteria are met:
    - (a) There is no alternate location for the structure on the subject property; and
    - (b) A geotechnical report demonstrates that building within a landslide hazardous area:
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(i) will provide protection commensurate to being located outside of the landslide hazard area; and

(ii) the proposal meets the requirements of SCC [30.62B.320](#).

(2) In addition to the requirements in SCC [30.62B.320](#) the following standards and requirements apply to development activities, actions requiring project permits and clearing in landslide hazard areas:

(a) Vegetation shall not be removed from a landslide hazard area, except for hazardous trees based on review by a qualified arborist or as otherwise provided for in a vegetation management and restoration plan;

(b) The factor of safety for landslide occurrences shall not be decreased below the limits of 1.5 for static conditions or 1.1 for dynamic conditions. Analysis of dynamic conditions shall be based on horizontal acceleration as established by the current version of the International Building Code;

(c) Tiered piles or piers shall be used for structural foundations where possible to conform to existing topography;

(d) Retaining walls that allow for the maintenance of existing natural slope area shall be used wherever possible instead of graded artificial slopes;

(e) Provided there is no practical alternative, utility lines and pipes may be constructed in landslide hazard areas under the following conditions:

(i) the line or pipe shall be located above ground and properly anchored or designed so that it will continue to function in the event of an underlying slide; and

(ii) stormwater conveyance systems shall be designed with high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equivalent; or

(iii) alternatively, utilities may be bored below landslide hazard areas provided they are located beneath the depth of potential slope failure.

(f) Point source discharge of stormwater may be allowed in landslide hazard areas under the following conditions:

- (i) the stormwater is conveyed via continuous storm pipe downslope to a point where it does not increase risk to landslide hazard areas or other properties downstream from the discharge;
- (ii) the stormwater is discharged at flow durations matching predeveloped conditions with adequate energy dissipation into existing channels; or
- (iii) discharge upslope of the landslide hazard area may only occur if:
  - (A) it is dispersed onto a low-gradient undisturbed setback adequate to infiltrate all surface and stormwater runoff; and
  - (B) the discharge will not decrease the stability of the slope. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

### **30.62B.350 Seismic hazard areas.**

- (1) Development activities or actions requiring a project permit occurring within 200 feet of a seismic hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development.
- (2) Development activities or actions requiring a project permit occurring in a seismic hazard area shall meet applicable standards of the International Building Code and chapter [30.51A](#) SCC. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

### **30.62B.360 Mine hazard areas.**

- (1) Development activities or actions requiring a project permit occurring on or within 200 feet of a mine hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development or action.
  - (2) For any reclamation activity under the jurisdiction of the county pursuant to SCC [30.63B.360](#), the applicant must submit as-built drawings in a form specified by the director that
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reflect the final grades on-site, proper site stabilization and vegetative cover. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

### **30.62B.370 Volcanic hazard areas.**

Development activities or actions requiring a project permit occurring on or within 200 feet of a volcanic hazard area shall comply with the identification, disclosure, and recording requirements of SCC [30.62B.160](#). (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

### **30.62B.380 Tsunami hazard areas.**

Development activities or actions requiring a project permit occurring on or within 200 feet of a tsunami hazard area shall comply with the identification, disclosure, and recording requirements of SCC [30.62B.160](#) as evidence becomes available. In Tsunami Hazard Areas, project proponents are encouraged to follow the recommendations from "Designing for Tsunamis: Seven Principles for Planning and Designing for Tsunami Hazards" (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

### **30.62B.390 Authority to require more stringent standards and requirements and to impose mitigation.**

(1) The director may expand the boundary of a geologically hazardous area, impose additional or more stringent standards and requirements than those specified in this chapter or impose mitigation requirements to the extent necessary to:

- (a) Protect the public health, safety, and welfare; or
- (b) Mitigate any significant adverse impact from the proposed development activity.

(2) The director's decision under subsection [\(1\)](#) of this section shall be in writing and shall include findings that demonstrate how the decision meets the following criteria:

- (a) The decision eliminates or substantially reduces a specific public health, safety or welfare concern or a significant adverse impact; and
- (b) The decision is based on sound engineering practices. (Added by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

## **PART 400 Exceptions.**

### **30.62B.410 Minor development activity exceptions.**

- (1) Certain minor development activities may occur in geologic hazard areas or setbacks provided the project proponent complies with best management practices (BMPs) adopted through rulemaking pursuant to chapter [30.82](#) SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter. Best management practices are physical, structural, or managerial practices which have gained general acceptance by professionals in the appropriate field to minimize and mitigate adverse impacts to the functions and values of critical areas.
- (2) All minor development activities authorized in this section shall comply with administrative BMP rules upon adoption. Prior to adoption of such administrative rules, project proponents shall comply with all known and available BMPs as defined in SCC [30.62A.510\(1\)](#). The director shall use his or her best efforts to adopt BMPs for the minor development activities listed in this section pursuant to the rulemaking provisions of chapter [30.82](#) SCC within 12 months of the effective date of this chapter.
- (3) The following minor development activities may occur pursuant to this section:
  - (a) Normal maintenance and repair that does not expand the footprint of existing:
    - (i) improved public and private road rights-of-way,
    - (ii) utility corridors,
    - (iii) trails,

- (iv) utility facilities,
  - (v) flood protection and bank stabilization structures,
  - (vi) stormwater facilities; and
  - (vii) structures;
- (b) Minor replacement, modification, extension, installation, or construction by a utility purveyor in an improved public road right-of-way;
  - (c) Survey or monument placement;
  - (d) Minor replacement or modification of existing facilities by a utility purveyor in an improved utility corridor;
  - (e) Minor replacement or modification by a utility purveyor of individual utility service lines connecting to a utility distribution system;
  - (f) Minor replacement, modification, minor installation or construction in an improved road right-of-way by the county or by the holder of a current right-of-way use permit;
  - (g) Removal of invasive weeds;
  - (h) Felling or topping of hazardous trees based on review by a qualified arborist;
  - (i) Minor replacement, modification or installation of drainage, water quality or habitat enhancement projects; and
  - (j) All other on-going lawfully established development activities not specifically addressed in this chapter. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

### **30.62B.420 Emergency activities.**

Emergency activities necessary to prevent an immediate threat to public health, safety, welfare or property, or to prevent an imminent threat of serious environmental degradation, are allowed without prior approval in geologically hazardous areas, based on the criteria set forth in this section:

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- (1) The activity must be the minimum necessary to alleviate the emergency;
- (2) The project proponent shall notify the department prior to any action taken to remedy an emergency. If prior notification is not feasible, the project proponent shall notify the department within 48 hours of the action; and
- (3) Applications for any required project permits necessary to satisfy compliance with this chapter are submitted to the department within 120 days of the start of the action taken. For activities not requiring permits, compliance with this chapter shall occur within a reasonable time period not to exceed twelve months. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

## **PART 500 Agricultural Activities.**

### **30.62B.505 Purpose.**

In accordance with RCW [36.70A.020](#), the Growth Management Act (GMA) goals require the county to maintain and enhance natural resource-based industries, including commercial agriculture. This Part implements the necessary balance between goals 8 and 10 of the GMA relative to commercial agriculture and the protection of critical areas. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

### **30.62B.510 Applicability.**

This Part applies to agricultural activities as defined in SCC [30.91A.090](#) or [30.91A.092](#), occurring on lands where agriculture is a legal use, where critical areas defined as erosion hazard areas are present on the site and could potentially be impacted by the agricultural activities; provided, however, that proposals for building construction in channel migration zones must comply with the requirements in SCC [30.62B.330\(3\)](#). (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 13-042, July 10, 2013, Eff date July 22, 2013).

### **30.62B.520 General Agricultural Standards.**

Except as provided in SCC [30.62B.530](#), normal agricultural activities as defined in SCC [30.91A.090](#) or [30.91A.092](#) subject to this Part 500 are in compliance with this chapter when those activities are performed in accordance with subsection [\(1\)](#), [\(2\)](#) or [\(3\)](#) of this section:

- (1) The best management practices contained in the latest edition of the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);
- (2) Other recognized best management practices for such activity that protect the functions and values of critical areas, where the NRCS FOTG does not provide specific guidance or a best management practice; or
- (3) A farm conservation plan that includes provisions addressing critical areas protection specific to the farm site recommended by the NRCS or the Snohomish conservation district (SCD), approved by the county and signed by the landowner. Any confidential or proprietary information contained in a farm conservation plan may be redacted prior to public disclosure. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

### **30.62B.530 Special Agricultural Conditions.**

- (1) Notwithstanding SCC [30.62B.520](#), agricultural activities as defined in SCC [30.91A.090](#) or [30.91A.092](#) subject to this Part 500 that meet one or more of the following special conditions shall comply with subsection [\(2\)](#) of this section:
  - (a) Agricultural activities that require a county permit or project approval except for a flood hazard permit required pursuant to chapter [30.43C](#) SCC;
  - (b) In certain special flood hazard areas designated by the Federal Emergency Management Agency (FEMA) as specified in SCC [30.65.040](#), the construction of agricultural access or service roads greater than six inches average and twelve inches maximum height above grade;
  - (c) Agricultural activities that occur in a wetland, except where:



- (i) The activity is exempt from wetland regulation under Section 404(f) of the federal Clean Water Act;
  - (ii) The activity is occurring in a non-riparian Category II or III wetland that is no greater than 5,000 square feet in size; or
  - (iii) The activity is occurring in a non-riparian Category IV wetland that is no greater than 10,000 square feet in size; and
- (d) Agricultural activities that bring land into agricultural use by removal of native woody vegetation or alteration of surface or ground water flows, other than that which results from normal cultivation.
- (2) The agricultural activities listed in subsection (1) of this section are in compliance with this chapter when those activities are performed as follows:
- (a) The activity complies with Parts [000](#) through [400](#) of this chapter;
  - (b) The activity is done in compliance with a farm conservation plan, as described in SCC [30.62B.520\(3\)](#); or
  - (c) The director issues a written decision finding that the landowner's compliance with other state or federal regulations or permits provides sufficient protection on the site to satisfy related critical areas requirements of this chapter. (Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

### **30.62B.540 Farm conservation plans and best management practices.**

- (1) Farm conservation plans and best management practices described in SCC [30.62B.520](#) are subject to the approval of the county.
  - (2) Farm conservation plans and best management practices shall:
    - (a) Specify when implementation will occur relative to project construction;
    - (b) Include provisions for monitoring and maintenance to determine whether the practices are successful. The length of time for monitoring and maintenance should be sufficient to determine if performance standards have been achieved; and
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- (c) Include provisions on a form approved by the department for the right to entry to the county for the purpose of inspection for the length of the monitoring and maintenance period. Prior to a site inspection the county shall provide reasonable notice to the property owner as to the purpose and need for entry.
- (3) The county and/or the farm operator shall monitor and report farm plan implementation and compliance as provided in the farm plan. The farm plan should include periodic inspections by the county for the first two years after permit issuance or self-assessment and certification by the operator, or by other appropriate means thereafter as determined by the county.
- (4) Agricultural operations shall cease to be in compliance with this chapter when the department determines one of the following three conditions is met. In such an event, a new or revised farm conservation plan may be required or the noncompliance may be referred to the appropriate agency for enforcement:
- (a) The operator fails to implement and maintain the farm plans and/or best management practices;
  - (b) It has been demonstrated by the county that the farm conservation plan and/or best management practices fails to protect critical areas. If so a new or revised plan shall be required; or
  - (c) Substantial changes in the agricultural activities of the operation have occurred which demonstrate that the current plan is ineffective.
- (5) The county shall only retain summary information of that portion of the plan needed for permit approval, including the general location of the operation, the nature of the activity, required permits and specific best management practices. The summary information shall be supplied to the county by the operator and used to document the basis for the county's approval of the plan. Any confidential or proprietary information contained in a farm conservation plan may be redacted prior to public disclosure. (Added by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).
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